

Appl. No. 09/700,815
Amdt. dated September 1, 2004
Reply to final Office Action of June 1, 2004

REMARKS

In view of the following discussion, the Applicant submits that none of the claims now pending in the application is obvious under the provisions of 35 USC §§ 102 and 103. Thus, the Applicant believes that all of these claims are now in allowable form.

If the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Alberta A. Vitale, Esq. at (203 469-0696) so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Drawing Objections

The drawings were objected to in the Final Office action (paper no. 7). The drawings had previously been objected to in the Office Action of January 14, 2004 (paper no. 4) to which Applicant responded with drawing amendments. The objection of the Final Office action is the exact objection as the previous Office action. Realizing that perhaps the Examiner meant to withdraw the objection, since no remarks were made with respect to Applicant's response to the objection, Applicant called the Examiner.

During a telephone conversation with Examiner Yussuf, on August 31, 2004 beginning at 7:40am, the

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Examiner conveyed that the objection should have been withdrawn in light of Applicant's response to paper no. 4 and that the drawing objection will be withdrawn when the Examiner receives the present response.

Specification Objections

The title was objected to in the Final Office action (paper no. 7). The title had previously been objected to in the Office Action of January 14, 2004 (paper no. 4) to which Applicant responded with an amended title. The objection of the Final Office action is the exact objection as the previous Office action. Realizing that perhaps the Examiner meant to withdraw the objection, since no remarks were made with respect to Applicant's response to the objection, Applicant called the Examiner.

During a telephone conversation with Examiner Yussuf, on August 31, 2004 beginning at 7:40am, Examiner conveyed that the objection should have been withdrawn in light of Applicant's response to paper no. 4 and that the drawing objection will be withdrawn when the Examiner receives the present response.

Claim Amendments

No amendments have been made to the claims.

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35 USC §§ 102 and 103 Rejections

The Final Office action has rejected claims 5-7, under the provisions of 35 USC § 102 as being anticipated over the teachings in the Li patent (United States patent 6,021,088 issued to Jim Y. Li et al on Jan. 4, 2000 (hereinafter Li '088)). Applicant will address the rejection as it pertains to independent claim 5 from which claims 6, 7 and 8 depend. The Final Office action has also rejected claim 8 under the provisions of 35 USC § 103 as being as being obvious over the teachings in Li '088 taken in view of the Sofman patent (United States patent 5,937,042 issued to 5,937,042 et al on Aug. 10, 1999 (hereinafter Sofman '042)). These rejections are respectfully traversed as is set forth below in the remarks with respect to Li '088 reference.

For the reasons set forth in Applicants response of April 13, 2004, Applicant respectfully submits that claim 5, and claims 6-8 which depend from claim 5, are not anticipated or obvious. The remarks of the response of April 13, 2004, with respect to the 35 USC §§ 102 and 103 rejections, for the sake of prosecution efficiency, are herein incorporated by reference.

For efficiency, Applicant will address the rejection and remarks of the Office action (paper no. 7) with respect to independent claim 5, from which the remaining claims, 6-8, depend.

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Claim 5 is drawn to:

System for establishing a permanent connection between the Internet and a user subscribed to the Internet, said system comprising a switching PoP (4) having incoming lines (1) through which switched telephone traffic enters, characterized in that said system further comprises a PoP manager (8), and inputs (7) which are not connected to the telephone exchange (3) and which are permanently connected to a connection at a subscriber, said subscriber being connected through said connection, inputs (7) and switching PoP (4) to an ISP on the basis of an instruction from the PoP manager (8). (emphasis added)

Applicant respectfully notes that in paragraph 25, page 8, of the Office action (paper no. 7), the Examiner disagrees that the "switching PoP" described in the claim language (i.e., claim 5) refers to a PoP that handles traffic to and from end users that are subscribed to different ISP's. However, in Applicant's specification, reference is made to patent application NL 1009083 for the description of a switching PoP. In EP 1076982 B1, which is a family member of the latter patent application, the switching PoP is described in paragraph [0011] as ". . . a number of ISPs can use one single switching PoP, in which such a PoP itself will allot the traffic to the various ISPs." In paragraph [0012], the switching PoP stating is also referred to stating "[t]he switching PoP comprises means that can be chosen from the public telephone network by various access numbers, in which the selected number

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determines which ISP is contacted." Based on the above observations, the Applicant emphasizes that the switching PoP is a PoP that connects an end user to one of a set of ISP's, i.e., to the ISP which the end user is subscribed to.

Further, Applicant respectfully notes that the Examiner states that Li '088 teaches that a PoP 42 can be connected to another PoP 42. Li '088 also refers to a PoP 42 that has any number of feeder lines 48 that connect the PoP 42 to a customer 50. The Internet customer 50 may be one of a wide variety of Internet customers. However, the Applicant respectfully explains that this does not implicate that one PoP 42 can service end users subscribed to different ISP's. If a PoP 42 is interconnected to another PoP 42, than this is not an indication that the first PoP is able to service end users subscribed to different ISP's, even not in the case that two PoP's 42 belong to different ISP's. A possible reason for interconnecting PoP's 42 can be the transportation of traffic originating from an end user to a destination such as an Internet site via different network domains. Moreover, the possibility of the servicing by a PoP 42 of users with different access equipment and/or feeder lines 48, which is referred to in Li, does not imply that these users are subscribed to different ISP's. In general, one ISP can service different user types, whereby each user type uses a specific type of access equipment and/or access communication means for accessing a PoP. Although the characteristics of these user types are different, they all

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are subscribed to the same ISP. Therefore, the Applicant is of the opinion that Li '088 does not teach of a switching PoP that services end users that are subscribed to different ISP's.

For the sake of efficiency, Applicant has not addressed each of the individual citations. Applicant respectfully notes that the prior art reference must disclose each element of the claimed invention "arranged as in the claim." Lindermann Maschinenfabrick GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). Even upon assuming arguendo that Li '088 includes all of the elements that are claimed by Applicant, since the arrangement of Applicant's claimed elements is different from the arrangement of Li '088 elements, anticipation is not present.

For the reasons stated above with respect to independent claim 5 from which claims 6-8 depend, Applicants respectfully note that the 35 USC § 102 rejection is respectfully traversed. Furthermore, for all of the above stated reasons Applicants respectfully submit that the 35 USC § 103 rejection of claims 8 is also traversed.

Accordingly, Applicant submits that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed.

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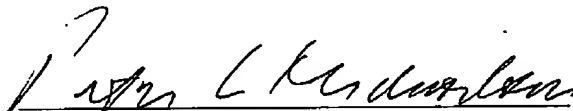
Conclusion

Thus, the Applicant submits that none of the claims, presently in the application, is anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103. Furthermore, the Applicant(s) also submit that objections to the specification and the drawings have also been overcome.

Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

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